

**DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE**  
**Meeting Minutes -March 22, 2002**

**PRESENT:**

Sidney Buckman  
Frank Costanzo  
Ella Maley  
Sen. David Petersen  
Kelly Campbell, by Janiella Yalor  
Rep. Karen Johnson  
Ellen Seaborne, by telephone  
Hon. Karen Adam, by Hon. Jan Kearney  
Jay Mount  
Alma Jennings Haught, by Ray Rivas

Jeff Zimmerman  
Jennifer Jordan  
Terrill Haugen  
Rene Bartos, by Bonnie Rock  
Brian Yee  
Sen. Mary Hartley  
Sanford Braver, by Bill Fabricius  
Gordon Gunnell  
Steve Phinney  
Janet Scheiderer

**NOT PRESENT:**

Debbora Woods-Schmitt  
Sen. Toni Hellon  
Rep. Mark Anderson

Nancy Gray Eade  
Rep. Kathi Foster

**GUESTS:**

Dave Norton, Phoenix Police Department  
Barbara Guenther, AZ Senate  
Mark Armstrong  
Scott Leska  
Therese L. Martin  
Kate Otting, AG's office  
Casimir Jarski  
Elizabeth Baskett

**STAFF:**

Karen Kretschman  
Isabel Gillett  
Susan Pickard

## **CALL MEETING TO ORDER**

The meeting was opened at 10:15 a.m. by Senator Mary Hartley.

## **ANNOUNCEMENTS**

Senator Hartley welcomed everyone and reminded public attendees to fill out orange speaker sheets if interested in the Call to the Public. Member designees for this meeting then introduced themselves to the group.

## **APPROVAL OF MINUTES**

A quorum was present for minutes approval. The minutes for the February, 2002 meeting were unanimously approved as written.

## **STATUS OF MEMBERSHIP POSITIONS/NEW APPOINTMENTS**

All membership positions are currently filled and Senator Hartley commended members on their excellent record in 2001 and 2002 for having quorums present for doing business.

## **OPEN MEETING LAWS**

Senator Hartley gave a presentation on Arizona's open meeting laws. She defined Domestic Relations Reform Study Subcommittee (DRRSS) meetings as "open meetings" (those conducted in the presence of the public rather than run by the public or deemed public hearings) and explained the open meeting laws as they pertain to Subcommittee meetings. She also described the requirements regarding strictly following the agenda and prohibition against discussing topics not on the meeting's agenda. Desired topics should be brought to the chair's attention for future meetings. Sen. Hartley also handed out two documents on the Arizona Open Meeting requirements for before, during and after meetings and describing the exact statutory requirements and sanctions for non-compliance.

## **HOW TO ACCESS THE LEGISLATURE**

Barbara Guenther, Arizona Senate staff, gave a presentation on how a bill becomes law in Arizona, how the DRRSS fits into the process, how to access the Arizona legislature, how to do bill tracking on ALIS and how to individually register support for or opposition to a bill. She and her assistant, Elizabeth Baskett, prepared handouts entitled "How a Bill Becomes a Law" and "A Public Guide to Accessing the Arizona State Legislature. Barbara also explained "strike-everything bills," bill amendments, bill readings, standing committees, committee chair appointments and resulting effect on bills being heard, Committee of the Whole (COW), conference committees and vehicle bills. She added that the Subcommittee doesn't have to

actually draft the language for a bill; legislative council and staff will draft the bills originating in the Subcommittee.

Senator Hartley read DRRSS' current charge contained in A.R.S. 25-320.01 and the proposed charge contained in S 1088. She commented that a formal report at year-end, along with a summary of proposed legislative changes, works well in other committees. She mentioned that a December 31, 2002 date might be a better deadline for the IFC project in HB 2468. Each co-chair then gave a summary of how they handle e-mails coming to their office regarding legislation. Senator Hartley also urged caution in presenting bills as DRRSS bills if a bill hasn't actually been submitted to DRRSS and voted on as such vs. bills generated by ideas received from calls to the public testimony.

## **WORKGROUPS**

### Integrated Family Court Workgroup

Ellen Seaborne reported on the status of the Integrated Family Court Workgroup by telephone. She pointed out that the workgroup is making progress in that it has drafted a mission statement, a definition of "family" and is working on the jurisdictional aspects (what kinds of cases are to be heard in family court) currently. She added that the opposition previously evidenced from Pima County is not indicative of the feelings of the majority of the Family Law Bar in Pima County. House bill 2468 was heard in the House Human Services Committee on March 20, 2002 and received a "do pass" recommendation. Representative Hershberger and other committee members expressed some concern, however, that an October 1, 2002 deadline for DRRSS completing a family court plan for Arizona might be too short a time in which to complete the task and suggested that a longer period of work should be considered, i.e. December 31, 2002. This matter hopefully will be resolved when S 1088, the other DRRSS-related bill, reaches the House for consideration.

### Working Lunch

The members of the Substantive Law Workgroup, the Education/Prevention Workgroup and the Court Procedures Workgroup met during the working lunch hour. The workgroups considered the following issues during the working lunch:

- 1) Reviewed and discussed the revised time line for reviewing/generating legislative proposals
- 2) Reviewed and discussed the revised form for submitting legislative proposals/ideas to the Subcommittee/workgroups for consideration

- 3) Considered how proposals are to be brought to Subcommittee meetings insofar as what do members believe should be changed.
- 4) Considered ways to encourage legislators to submit their bill proposals to DRRSS for review and input prior to opening folders and dropping the bills
- 5) Considered how to comment on pending domestic relations-related legislation each session, when to vote on recommendations and how to issue reports
- 6) Considered public relations techniques in the forms of letters, invitations to legislators to submit idea/bills relating to domestic relations issues

The Workgroups also studied the following currently pending bills during the working lunch session.

#### General Meeting Reconvened

Upon resumption of the general meeting, the bills were voted on by a quorum of 19 members out of 25 present as to whether to register support or not for the bills with the legislature. The results are as follows:

**HB 2330** bifurcated dissolution of marriage: 4 in support, 12 not in support, 1 abstain

**HB 2331** credit cards; dissolution; liability: 14 in support, 2 not in support, 1 abstain

**HB 2468** DRRSS IFC workgroup deadline: DRRSS supports

**HB 2169** joint custody presumption: 11 in support, 7 not in support, 1 abstain due to objection to clause D.2 in bill (would support if clause deleted)

**SB 1088** DRRSS reorganization into Domestic Relations Committee; IFC deadline; new positions: DRRSS supports

**SB 1388** child custody and visitation violations; referrals to mediation: 7 in support, 9 not in support, 1 abstain

**SB 1433** parental alienation syndrome: 7 in support, 10 not in support, 1 abstain

**SB 1435** court personnel; immunity; exceptions: 8 in support, 11 not in support.

Therefore, DRRSS supports HB 2331, HB 2468, HB 2169 and S 1088; the Subcommittee does not support HB 2330, SB 1388, SB 1433 and SB 1435 (versions existing as of 3-22-02).

After the votes on the bills, Senator Hartley called for workgroup reports, as follows:

Court Procedures Workgroup:

Dr. Yee reported that the Court Procedures Workgroup is in favor of using the proposed form and time line. They also proposed that the form be further modified so that it also applies to proposals for rules and other procedural changes and/or comments rather than referring to statutes only. They clarified that DRRSS members should be able to submit proposals regarding statutes, rules or other domestic relations-related procedures all year long. They also suggested that each time a proposal is offered, it be put on the monthly agenda for review and description and then assigned to a workgroup for consideration/analysis and recommendations back to the larger group and then transmitting those recommendations to the legislature. They also recommended contacting all legislative members for submitting their proposed bill ideas, with emphasis on the concept that it would be beneficial to receive DRRSS' support; if DRRSS doesn't support an idea, the legislators would have a heads up on what likely obstacles would be encountered.

Substantive Law Workgroup:

Jeff Zimmerman reported that the Substantive Law Workgroup is also in favor of using the form and the time line. The workgroup was also concerned about their ability to generate ideas year-round. The workgroup suggested a letter from the Subcommittee's co-chairs in November or December, reiterating the invitation to submit bills to DRRSS for the Subcommittee's input. They also suggested a "field trip" of some type so that Subcommittee members become more familiar with the actual legislative process.

Education/Prevention:

Terrill Haugen seconded all of the above recommendations and further reported that the Education/Prevention Workgroup is concerned with how DRRSS' recommendations will be made known to the legislature after discussion and a vote on the bills. Discussion led to the suggestion of sending a copy of DRRSS' minutes, or a "summary of recommendations" sheet to each legislator outlining the bills considered, showing how many DRRSS members were present, the vote count for and against each bill considered and the date of the vote. Senator Petersen urged sensitivity in how the vote count is presented and questioned how amendments to bills would be handled. He also asked whether members could vote electronically and the consensus was "yes."

Staff was requested to put any amendments to bills voted on previously in the monthly packets so the Subcommittee can update its positions. The workgroup also suggested that formal letters be prepared to the legislators who do submit bills and bill ideas to DRRSS for review and input, giving them an official report reflecting the vote and any issues of concern addressed during the workgroup reviews. Any exceptions or explanations of a vote by a member would be placed in the "summary of recommendations" on the request

of the member raising the issue. A printed statement from the person excepting would be helpful to staff for drafting purposes.

Senator Hartley also cautioned against using a DRRSS reference or implying DRRSS support for a bill which has not officially been submitted to DRRSS for review and input. The workgroup also recommended that if the legislators cannot come personally to DRRSS meetings to describe and discuss their bills, it was recommended that they send the Subcommittee something in writing to consider. Invitations should be sent out in August or September and also early in the session after legislators have dropped their bills; the invitation will be from the chair persons and will include the current charge to DRRSS in statute.

**MOTION:** Sidney Buckman

**To use the form and time line with expanded role for proposed rule and procedural changes and comments; sending a summary statement of recommendations to the legislature after votes on proposed bills; inviting legislature to submit bills/ideas in August/September with follow-up in December/January when session opens.**

**Second:** Ella Maley.

**Vote:** Unanimously passed.

## **NEW BUSINESS**

No new business was presented.

## **CALL TO THE PUBLIC**

No public attendees appeared.

## **FUTURE MEETINGS**

The next meeting of DRRSS will be held Friday, April 26, 2002, in the State Courts Building, Rooms 119A/B with Representative Johnson as chair.

The May 24, 2002 meeting will be held in Rooms 119A/B, State Courts Building.

## **ADJOURNMENT**

The meeting was adjourned at 2:00 p.m. by Senator Hartley.